

EXHIBIT 1

ADVERTISEMENT



Verizon is going Ultra!

SPONSORED BY VERIZON

SEE MORE



Los Angeles Times

LOG IN



SPORTS

L.A. Times asks to unseal records in case involving death of Angels pitcher Tyler Skaggs



Mike Trout, wearing a jersey to honor Tyler Skaggs, (John McCov / Getty Images)

By continuing to use our site, you agree to our [Terms of Service](#) and [Privacy Policy](#). You can learn more about how we use cookies by reviewing our [Privacy Policy](#). [Close](#)

Los Angeles Times

\$1 for 6 mo
Limited-Time Offer

SUBSCRIBE NOW



The Los Angeles Times asked a federal judge Monday to unseal exhibit and witness lists filed by the government in the case of the former Angels employee charged in connection with the overdose death of pitcher Tyler Skaggs.

In [a motion filed in U.S. District Court](#) in Fort Worth, James A. Hemphill, an attorney for The Times, noted the Supreme Court “has consistently recognized that the public and the press have a First Amendment right of access to criminal proceedings and records.”

Last month, U.S. District Judge Terry R. Means granted a government motion to seal exhibit and witness lists until testimony has concluded during the trial that’s scheduled to start Feb. 8.

“The Court’s Order neither addresses the presumption of public access to judicial proceedings nor details any putative compelling countervailing interests favoring nondisclosure of judicial records,” The Times’ motion said.

ADVERTISEMENT

The motion also seeks to unseal almost two dozen docket entries currently hidden from public view.



CALIFORNIA

The last days of Angels pitcher Tyler Skaggs: painkillers, an overdose and a search for answers

April 29, 2021

“The docket does not indicate that the Court has issued a sealing order explaining its rationale for sealing these portions of its docket sheet from public view,” the motion said.

A spokeswoman for prosecutors declined comment.

Eric Kay is charged with distributing

By continuing to use our site, you agree to our [Terms of Service](#) and [Privacy Policy](#). You can learn more about how we use cookies by reviewing our [Privacy Policy](#). [Close](#)

Los Angeles Times

\$1 for 6 mo
Limited-Time Offer

[Subscribe Now](#)

In a court filing in August, prosecutors said they plan to present testimony from [approximately five](#) Major League Baseball players who allege they received oxycodone from Kay.

This isn't the first dispute over sealed records in the case. In October, the Angels asked Means to unseal his order denying the government's attempt to [compel the team](#) to comply with a subpoena seeking information about members of the organization possibly distributing drugs, noting the order didn't include any nonpublic information. The government opposed the move.

The judge went ahead and made the order public last month. It [blistered the government's](#) subpoena effort as a "fishing expedition" and alleged that the government "apparently has no idea what specific items it wants from the Angels."

SPORTS ANGELS CALIFORNIA



Get our high school sports newsletter

Prep Rally is devoted to the SoCal high school sports experience, bringing you scores, stories and a behind-the-scenes look at what makes prep sports so popular.

SIGN ME UP

You may occasionally receive promotional content from the Los Angeles Times.



Nathan Fenno

Twitter Instagram Email Facebook

Nathan Fenno is a sports enterprise reporter for the Los Angeles Times focused on investigations, features and in-depth stories.

By continuing to use our site, you agree to our [Terms of Service](#) and [Privacy Policy](#). You can learn more about how we use cookies by reviewing our [Privacy Policy](#). [Close](#)

Los Angeles Times

\$1 for 6 mo
Limited-Time Offer

SUBSCRIBE NOW

MORE FROM THE LOS ANGELES TIMES

LAKERS

Game-by-game review of Lakers’ historic winning streak

2 hours ago

LAKERS

How the Bucks ended the Lakers’ historic winning streak with a vengeance

2 hours ago

DODGERS

Plaschke: Dodger Stadium wedding shows progress team has made in LGBTQ community

2 hours ago

LAKERS

50 years ago today: Lakers win record-setting 33rd game in a row

2 hours ago

SUBSCRIBERS ARE READING >

FOR SUBSCRIBERS

These are the 101 best restaurants in L.A.

FOR SUBSCRIBERS

How the pandemic made hotel housekeeping more difficult — and disgusting

Kelly Ernby stood against vaccine mandates. Her death from COVID made her a symbol

Inside Klete Keller’s fall from Olympic gold to the Capitol riot

The most affordable from The Times’ list of 101 Best Restaurants in L.A.

ADVERTISEMENT

LATEST SPORTS >

HOCKEY

Kings struggle to capitalize on scoring chances in 4-2 loss to Predators

Jan. 6, 2022

USC SPORTS

Isaiah Mobley scores 19 as No. 7 USC stays perfect with win over Cal

Jan. 6, 2022

CLIPPERS

Shorthanded Clippers rally but can't keep pace with star-studded Suns

Jan. 6, 2022

UCLA SPORTS

No. 5 UCLA shows no signs of rust in rout over Long Beach State

Jan. 6, 2022

RAMS

Unlike on defense, Rams Jalen Ramsey and Taylor Rapp let on-field incident pass

Jan. 6, 2022

By continuing to use our site, you agree to our [Terms of Service](#) and [Privacy Policy](#). You can learn more about how we use cookies by reviewing our [Privacy Policy](#). Close

Los Angeles Times

\$1 for 6 mo
Limited-Time Offer

SUBSCRIBE NOW



Subscribe for unlimited access

Follow Us



- eNewspaper
- Coupons
- Find/Post Jobs
- Place an Ad
- Media Kit: Why the L. A. Times?

Recovery

By continuing to use our site, you agree to our [Terms of Service](#) and [Privacy Policy](#). You can learn more about how we use cookies by reviewing our [Privacy Policy](#).

Close



Los Angeles Times

\$1 for 6 mo

Limited-Time Offer

SUBSCRIBE NOW

EXHIBIT 2



Portfolio Media, Inc. | 111 West 19th Street, 5th floor | New York, NY 10011 | www.law360.com
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

LA Times Asks To Unseal Feds' Plans For MLB Overdose Trial

By **Rachel Scharf**

Law360 (December 20, 2021, 5:18 PM EST) -- The Los Angeles Times asked a Texas federal judge on Monday to unseal the government's witness and evidence lists for the upcoming criminal trial of a former Major League Baseball team staffer accused of supplying Los Angeles Angels pitcher Tyler Skaggs with a fatal drug dose.

The Times asked U.S. District Judge Terry R. Means for permission to intervene in the case against former Los Angeles Angels communications director Eric Kay, who **prosecutors say** distributed a fentanyl-laced oxycodone tablet discovered in the Texas hotel room where Skaggs overdosed in 2019.

According to the Times, Judge Means has allowed both the prosecution and the defense to withhold dozens of case documents from the public without adequate explanation. The newspaper took particular issue with a Nov. 9 order permitting the government to seal its witness and exhibit lists for Kay's trial, currently scheduled to begin on Feb. 8.

"The court's [order] does not mention the presumption in favor of the public's access to judicial records or articulate any reasons that would support sealing," the Times wrote. "It was an abuse of discretion, infringing the Los Angeles Times' and the public's First Amendment and common law rights to access this criminal proceeding. The government's witness and exhibit lists should therefore be unsealed."

A spokesperson for the prosecution declined to comment on the Times' motion Monday. Counsel for the Times and Kay did not respond to requests for comment.

Kay was **indicted in October 2020** on charges of distributing a controlled substance that caused death and possession of fentanyl with the intent to distribute. He has pled not guilty.

Prosecutors allege that Kay routinely provided Angels players with blue oxycodone pills — which Kay and company supposedly called "blue boys" — from at least 2017 to 2019. According to the government, Kay gave Skaggs the drugs found alongside his body in a Southlake, Texas, hotel room in July 2019, when the 27-year-old pitcher was in town to play against the Texas Rangers.

Kay's trial, **originally scheduled** for December 2020, has been pushed back a number of times over the last year. Judge Means most recently **granted Kay's bid** to delay the proceeding by a month after prosecutors added oxycodone to the list of drugs he allegedly distributed to players.

The Times is represented by James A. Hemphill and Christopher C. Cyrus of Graves Dougherty Hearon & Moody PC.

The government is represented by Lindsey E. Beran, Errin Martin, Jonathan Glen Bradshaw and Joseph T. Lo Galbo of the U.S. Attorney's Office for the Northern District of Texas.

Kay is represented by William Reagan Wynn of Reagan Wynn Law PLLC and Michael A. Molfetta of Molfetta Law.

The case is USA v. Eric Kay, case number 4:20-cr-00269, in the U.S. District Court for the Northern District of Texas.

--Additional reporting by Lauren Berg and Max Jaeger. Editing by Alex Hubbard.

All Content © 2003-2022, Portfolio Media, Inc.